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Filed : April 6, 2001

REMARKS

Claims 36-58 are unchanged and are pending. Claims 1-35 were previously canceled, where Claim 1-14 were canceled in response to a restriction requirement. Applicant reserves the right to refile the canceled claims in a continuing application at a later date. Reconsideration and allowance of the claims in light of the present remarks is respectfully requested.

Discussion of Final Status

The Office Action dated April 6, 2005 is designated as a Final Action. Applicant respectfully submits that the finality designation is premature in that the Manual of Patent Examining Procedure at 706.07(a) states "a second or subsequent action on the merits in any application ... should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed". Applicant's independent Claim 48 is the merger of portions of previous Claims 25, 17 and 26, and finds support in Figure 7 along with page 25 of the specification. Independent Claim 52 is the merger of portions of previous Claims 25, 17, 18, 15 and 26, and finds support in Figures 6, 7, 9 and 10 along with the associated text in the specification. Applicant respectfully requests withdrawal of the final designation in that at least these claims include limitations which should reasonably have been expected to be claimed.

Discussion of the Rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)

Claims 42-51 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ottesen et al. (U.S. Patent No. 5,930,493). Claims 52-58 were rejected under 35 U.S.C. § 103(a) as being obvious over Barton et al. (U.S. Patent No. 6,233,389) in view of Ottesen et al.

The Ottesen reference is directed to a video-on-demand and pay-per-view system and does not appear to describe dynamically identifying and parsing scripts, and executing the parsed script as recited in independent Claims 42, 48 and 52. The citation identified for "dynamically identifying a script associated with at least one video on a network" as recited in Applicant's Claim 42 was given as col. 30, lines 30-35. This is believed to be in error and was likely intended to be col. 9, lines 30-35. However, the cited text in Ottesen describes an MPEG compressed digital video bitstream representative of a particular video movie, and not a script, which contains a program. In contrast, Applicant's Claim 42 recites, in part, "dynamically

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identifying a script associated with at least one video on a network.” In one embodiment, such a script includes a program that is executed by a processor, and may be embodied as a web script that could be executed by a browser applet. The MPEG compressed digital video bitstream is not a script. This is further seen in Applicant’s Claim 46 that recites that “the script is programmed in Java script or Visual Basic script”. The citation in the Office Action for Claim 46 (was listed as Claim 45 in an apparent error) is col. 8, lines 10-17 which mentions that MPEG coding of video is not the only type and nature of multimedia programs and information stored and processed by the server. No mention is made of a script or programming being in Java script or Visual Basic script.

The Office Action citations for the first four elements of Claims 42 all cite to Ottesen col. 9, lines 30-35 or portions thereof:

The compressed digitized program bitstream is then segmented or divided into a plurality of discrete video source program segments 48 by an index parser 33. Each discrete compressed digital video segment 48 is preferably representative of a predetermined amount of non-compressed, full-motion video.

Applicant respectfully submits that the cited text does not disclose “dynamically identifying a script associated with at least one video on a network; parsing the identified script associated with the video; executing the parsed script to identify a container file; and parsing the identified container file”, but merely shows segmenting the compressed digitized program bitstream into a plurality of discrete video source program segments. In addition to the discussion of the first element in the paragraph above, Ottesen does not disclose parsing the identified script associated with the video (Ottesen describes parsing the video itself), executing the parsed script to identify a container file (Ottesen does not describe executing the discrete video source segments or identifying a container file based on the executing), and parsing the identified container file (Ottesen does not describe a second parsing, this time of the container file identified by the executing of the parsed script).

For the recited “evaluating the parsed container file to identify a location identifier of video content” portion of Claim 42, the Office Action cites col. 9, lines 62-65, where the Ottesen reference describes tagging each one second (or two seconds) long video segment with an address identifier, A1, A2, etc. However, no mention is made of evaluating the parsed container file to make the identification as Applicant claims. Furthermore, the Office Action in conjunction with Claim 47 (was listed as Claim 46 in an apparent error) equates the location identifier as being a video URL, which is quite different than the address identifiers (A1, A2, etc.) for each one

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second long video segment. In one embodiment, Applicant's location identifier identifies the location of the entire video.

Regarding the citation of col. 9, lines 30-35 (shown above) of Ottesen for Claim 43, there is no mention of "evaluating the parsed container file comprises excluding advertising content" in the citation.

Regarding the citation of col. 6, lines 30-40 of Ottesen for Claim 44 (and likely for Claim 45 as similarly done for Claims 50 and 51), launching the identified video content for playback ... according to the location identifier would only play a one second (or two second) long video segment identified by the address identifier (e.g., A1). In contrast, Applicant's location identifier identifies the location of the entire video, in one embodiment. Furthermore, for Claim 45 which recites "wherein launching the content comprises invoking a specific coded video player of a site containing the identified video based on the location identifier", Ottesen does not describe invoking a specific coded video player of a site containing the identified video based on the location identifier, where the location identifier is equated to be the address identifier (e.g., A1).

Similar reasoning to the above applies for independent Claim 48 and its dependent claims.

Regarding independent Claim 52, the Barton reference describes a system directed to multimedia time warping using MPEG2 formatted streams of television programs. Scripts and grouping together differently encoded versions of the content do not appear to be disclosed in the Barton reference. In contrast, Applicant's claims are directed to video spidering such as for videos located on the Internet.

The Office Action cites col. 5, line 3 of Barton "The input stream flows through a parser 401" as disclosing the first element of Claim 52 "dynamically identifying a script associated with at least one video on a network". However, the cited text in Barton describes an MPEG input stream representative of a particular television program, and not a script. In contrast, Applicant's Claim 52 recites, in part, "dynamically identifying a script associated with at least one video on a network." In one embodiment, such a script includes a program that is executed by a processor, and may be embodied as a web script that could be executed by a browser applet. The MPEG input stream is not a script. This is further seen in Applicant's Claim 53 that recites that "the script is programmed in Java script or Visual Basic script". The citation in the Office Action for Claim 53 is Barton col. 6, lines 38-40 which mentions the use of Vertical Blanking Interval

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(VBI) decoder. No mention is made in Barton of a script or programming being in Java script or Visual Basic script.

The Office Action cites Barton col. 5, lines 6-17 as disclosing the portion of Claim 52 reciting “grouping together differently encoded versions of the content”. It is the same identified content that has differently encoded versions in Claim 52. In contrast, Barton arguably describes differently encoded versions of different content.

The Office Action equates “obtaining a **location identifier** associated with the content” as Barton’s “actual addresses 610 of each segment”. However, the Office Action then equates “storing the **location identifier**” as Barton’s “record the event length 609 using the last cached event”. Thus, the location identifier is equated by the Office Action to two different items which cannot be made consistent.

The Office Action admits that Barton does not explicitly teach “selectively indexing the grouped versions of the content” as recited in Claim 52. The Office Action submits that the Ottesen reference teaches indexing video segments. The Ottesen reference describes tagging each one second long video segment with an address identifier, e.g., A1, A2, etc., as described above. However, Applicant recites “the grouped versions of the content” which requires looking at the antecedent of this phrase which is “grouping together differently encoded versions of the same content”. In this light, the cited references do not describe “the grouped versions of the content” and further do not disclose “selectively indexing” of the grouped versions in the cited portions of the references.

Therefore, Applicant respectfully submits that the rejections over the cited references are overcome and requests the withdrawal of all claim rejections and prompt allowance of the claims.

Allowed Claims

Claims 36-41 were allowed in the Office Action dated April 6, 2005.

Conclusion

In light of the above, reconsideration and withdrawal of the outstanding rejections are specifically requested. In view of the foregoing remarks, Applicant respectfully submits that the claims of the above-identified application are in condition for allowance. However, if the

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Examiner finds any impediment to allowing all claims that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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